

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Lyna Woo,

Plaintiff,

—v—

New York Police Dep't, *et al.*,

Defendants.

**USDC SDNY**

**DOCUMENT**

**ELECTRONICALLY FILED**

**DOC #:** \_\_\_\_\_

**DATE FILED: JUN 03 2015**

13-CV-8695 (AJN)  
(GWG)

ORDER ADOPTING  
REPORT AND  
RECOMMENDATION

ALISON J. NATHAN, District Judge:

Before the Court is Magistrate Gorenstein's Report and Recommendation ("Report" or "R&R") dated October 27, 2014, Dkt. No. 30. Judge Gorenstein recommends dismissing Plaintiff's Complaint without prejudice for failure to prosecute this action. The Court presumes familiarity with the factual and procedural background of this case as set forth in Judge Gorenstein's Report.

District courts may designate magistrate judges to hear and determine certain dispositive motions and to submit proposed findings of fact and a recommendation as to those motions. 28 U.S.C. § 636(b)(1). Any party wishing to object to a magistrate judge's report and recommendation must do so within fourteen days after being served with a copy of the report and recommendation. *Id.* If a party submits a timely objection to a report and recommendation, the district court reviews *de novo* those portions to which the party objected. *Id.*; *see also Norman v. Astrue*, 912 F. Supp. 2d 33, 39 (S.D.N.Y. 2012). Otherwise, "[w]here no 'specific written objection' is made, the district court may adopt those portions 'as long as the factual and legal basis supporting the findings and conclusions set forth . . . are not clearly erroneous or contrary to law.'" *Norman*, 912 F. Supp. 2d at 39 (quoting *Eisenberg v. New England Motor Freight*,

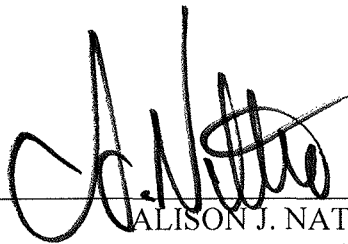
*Inc.*, 564 F. Supp. 2d 224, 226-27 (S.D.N.Y. 2008)). Because neither party filed an objection to Judge Gorenstein's Report here, the Court reviews his entire Report for clear error.

Upon review of Judge Gorenstein's thorough and well-reasoned Report, this Court finds no clear error. Therefore, Judge Gorenstein's Report is adopted in its entirety as the opinion of the Court. *See, e.g., Beller v. Astrue*, No. 12 CV 5112 (VB), 2013 U.S. Dist. LEXIS 79541, at \*2-3 (S.D.N.Y. June 5, 2013). As stated in Judge Gorenstein's Report, Plaintiff's Complaint is dismissed without prejudice for failure to prosecute.

The Clerk of Court is directed to enter judgment and close this case. The Court also finds pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith.

SO ORDERED.

Dated: June 3, 2015  
New York, New York

  
ALISON J. NATHAN  
United States District Judge